

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JASON DEAN SHORT

PLAINTIFF

v.

Civil No. 4:16-cv-04080

NURSE SHANNON TALLANT;
DR. ANGIE MARTIN; JAIL
ADMINISTRATOR CHRIS WOLCOTT;
and DETENTION OFFICER ANGELA
CROSS

DEFENDANTS

ORDER

Plaintiff Jason Short proceeds in this matter *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion to Compel. ECF No. 18. Defendants have filed a Response. ECF No 19.

Pursuant to Federal Rule of Civil Procedure 26(b)(1) parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action. Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. An evasive or incomplete disclosure, answer or response must be treated as a failure to disclose, answer, or respond. Fed. R. Civ. P. 37(a)(4).

Plaintiff's Interrogatory No. 4 propounded to Defendants specifically states: "Seeing how the jails health care provider is not providing me with thorough treatment I asked to go to different doctor and the jail says I have to pay for it because they ain't allowed on tribal land I have no insurance because I'm indian medical is free and if they can't take me to Oklahoma then why can't

they pay? Seeing how I am in the sheriffs custody.” ECF No.19-1. Defendants responded to Interrogatory No. 4 as follows: “The Defendants do not have any authority over inmates when taken to tribal lands.” ECF No. 19-1. Defendants did not object to Plaintiff’s request as to why they will not pay for Plaintiff’s medical treatment nor did they answer the interrogatory on this issue. As a result, Defendants’ answer to Interrogatory No. 4 is evasive and must be considered a failure to respond.

Accordingly, Plaintiff’s Motion to Compel (ECF No. 18) is **GRANTED**. Defendants are ordered to answer Plaintiff’s Interrogatory No. 4 as to why they will not pay for Plaintiff’s medical care within thirty (30) days of the date of this Order. The Court will not order Defendants to pay any costs to Plaintiff associated with his Motion to Compel.

IT IS SO ORDERED this 12th day of January 2017.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE